

Senate File 2200 - Introduced

SENATE FILE 2200

BY SORENSON

A BILL FOR

1 An Act prohibiting the use of automated traffic law enforcement
2 systems by local authorities and providing a monetary
3 penalty for noncompliance.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.5A Automated traffic law
2 enforcement systems prohibited.

3 1. A local authority shall not place or cause to be placed
4 on or adjacent to a street or highway, or maintain or employ
5 the use of, an automated traffic law enforcement system for
6 the enforcement of any provision of this chapter or any local
7 ordinance relating to vehicular traffic or to prove a violation
8 of any such provision or ordinance.

9 2. Subsection 1 does not apply upon the governor's
10 declaration that a state of emergency exists and for as long
11 as the state of emergency remains in effect, provided that a
12 citation or notice of a civil fine issued for a violation of a
13 traffic control signal or device or for a speeding violation
14 shall be served by a peace officer within one hour of the
15 occurrence of the violation.

16 3. For purposes of this section, "*automated traffic law*
17 *enforcement system*" means a device that is not operated in the
18 presence of a peace officer and which has one or more sensors
19 working in conjunction with a traffic control signal or device
20 or a speed-measuring device to produce recorded images of
21 vehicles being operated in violation of traffic or speed laws.

22 Sec. 2. TERMINATION OF AUTOMATED TRAFFIC LAW ENFORCEMENT
23 PROGRAMS — REMOVAL OF SYSTEMS — VALIDITY OF PRIOR NOTICES AND
24 CITATIONS.

25 1. A local authority using an automated traffic law
26 enforcement system shall discontinue using the system on or
27 before the effective date of this Act. A local authority shall
28 remove all automated traffic law enforcement system equipment
29 from the highways on or before July 1, 2012.

30 2. As of the effective date of this Act, all local
31 ordinances authorizing the use of an automated traffic law
32 enforcement system are void, and all citations or notices of
33 civil fines issued pursuant to such an ordinance prior to the
34 effective date of this Act are invalidated.

35 3. A local authority, not later than ninety days after the

1 effective date of this Act, shall calculate the total amount
2 collected from civil penalties for traffic violations detected
3 by automated traffic law enforcement systems used prior to the
4 effective date of this Act, subtract any amount paid or owing
5 to a third party to satisfy contractual obligations relating
6 to the use of automated traffic law enforcement systems, and
7 refund the remaining amount on a prorated basis to each person
8 who paid a civil penalty under the local authority's automated
9 traffic law enforcement program.

10 4. If a local authority is found to be operating an
11 automated traffic law enforcement system on or after the
12 effective date of this Act, the treasurer of state shall
13 withhold funds to be allocated to the city from the road use
14 tax fund pursuant to chapter 312 in the amount equal to ten
15 times the amount of the civil penalties collected on or after
16 the effective date of this Act for violations detected by the
17 automated traffic law enforcement system. The moneys withheld
18 by the treasurer of state pursuant to this subsection shall
19 revert to the street construction fund of the cities.

20 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
21 3, shall not apply to this Act.

22 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 EXPLANATION

25 This bill prohibits the use of automated traffic law
26 enforcement systems in Iowa, except during a state of emergency
27 declared by the governor and subject to issuance of citations
28 by a peace officer within a specified time.

29 Automated traffic law enforcement systems, commonly known as
30 "red light cameras" or "speed cameras", are devices that are
31 not operated in the presence of a peace officer and which have
32 one or more sensors which work in conjunction with a traffic
33 control signal or device or a speed-measuring device to produce
34 recorded images of vehicles being operated in violation of
35 traffic or speed laws.

1 The bill requires that a local authority currently using
2 an automated traffic law enforcement system shall discontinue
3 using the system on or before the effective date of the bill.
4 All automated traffic law enforcement system equipment must be
5 removed from the highways by July 1, 2012.

6 A local authority's ordinance authorizing the use of
7 automated traffic law enforcement systems is void on the
8 effective date of the bill, and all notices of fines or
9 citations issued under the ordinance are invalidated. The bill
10 requires a local authority to issue refunds within 90 days of
11 the effective date of the bill to every person who paid a civil
12 penalty under an automated traffic law enforcement program.
13 The refunds shall be prorated, based on the total amount that
14 accrued to the city from the use of automated traffic law
15 enforcement systems after satisfying contractual obligations
16 relating to the use of the systems.

17 A local authority that uses an automated traffic law
18 enforcement system on or after the effective date of the bill
19 is subject to the withholding of the city's allocation from the
20 road use tax fund in the amount equal to 10 times the amount of
21 civil penalties collected in violation of the bill.

22 The bill may include a state mandate as defined in Code
23 section 25B.3. The bill makes inapplicable Code section 25B.2,
24 subsection 3, which would relieve a political subdivision from
25 complying with a state mandate if funding for the cost of
26 the state mandate is not provided or specified. Therefore,
27 political subdivisions are required to comply with any state
28 mandate included in the bill.

29 The bill is effective upon enactment.